

5. (Amended) A magnetic recording medium according to any one of claim 1, wherein a film thickness of said metal underlayer is within a range from 3 nm to 20 nm.

6. (Amended) A magnetic recording medium according to claim 1, wherein said metal underlayer comprises a layered structure of two or more underfilms with different lattice constants.

9. (Amended) A magnetic recording medium according to claim 7, wherein a film thickness of said second underfilm is within a range from 1.5 nm to 8.5 nm.

10. (Amended) A magnetic recording medium according to claim 1, wherein a lattice misfit of said metal underlayer and said ferromagnetic metal layer, as determined by an equation $(y-x) / (x/2 + y/2) \cdot 100(\%)$, in which x represents a length obtained by multiplying by $\sqrt{2}$ a lattice constant of said metal underlayer and y represents a c axis length of a crystal lattice of said ferromagnetic metal layer, is a value from 0.5% to 2.5%.

12. (Amended) A magnetic recording medium according to claim 1, wherein in a crystal lattice of said ferromagnetic metal layer of said cobalt based alloy, an interatomic distance a in a direction of a normal line to said ferromagnetic metal layer is larger than an interatomic distance b in a direction within a plane of said ferromagnetic metal layer.

A³
16. (Amended) A method of producing a magnetic recording medium according to claim 14, wherein in order to control said lattice misfit, either one of a positive and a negative bias of 0 V to 300 V is applied to said base material during film fabrication of said ferromagnetic metal layer.

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C²
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17. (Amended) A magnetic recording device comprising a magnetic recording medium according to claim 1, a drive section for driving said magnetic recording medium, and a magnetic head for carrying out recording and playback of magnetic information, wherein said magnetic head performs recording and playback of magnetic information on a moving said magnetic recording medium.--

ADD NEW CLAIMS 18-20:

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--18. (New) A method of producing a magnetic recording medium according to claim 15, wherein in order to control said lattice misfit, either one of a positive and a negative bias of 0 V to 300 V is applied to said base material during film fabrication of said ferromagnetic metal layer.--

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--19. (New) A magnetic recording medium according to any one of claim 2, wherein said metal underlayer comprises a layered structure of two or more underfilms with different lattice constants.--